

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LISA LAWRENCE,)
)
Plaintiff,)
) CASE NO.: 1:22-cv-1776
v.)
)
HOBBY LOBBY STORES, INC.,)
)
Defendant.)

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1332, 1441, and 1446, removing party Hobby Lobby Stores, Inc., by counsel, hereby files this Notice of Removal to remove the above-entitled action to this Court based upon the following supporting grounds. Hobby Lobby Stores, Inc., appearing solely for the purpose of this removal, and for no other purpose, and preserving all other defenses available to it, states as follows:

VENUE

1. Removal to the Southern District of Indiana, Indianapolis Division, is appropriate pursuant to 28 U.S.C. § 1441(a), because the Southern District of Indiana, Indianapolis Division, embraces Hamilton County, where the action was pending prior to the filing of this Notice of Removal.

STATE COURT PROCEEDINGS

2. On August 9, 2020, Plaintiff Lisa Lawrence, by counsel, filed her Appearance, Summons, and Complaint in the above-entitled action against Hobby Lobby Stores, Inc. and

Village Park Plaza, LLC in the Hamilton County Superior Court in the State of Indiana, Cause No. 29D03-2208-CT-006012.

3. On August 10, 2022, Plaintiff, by counsel, filed Certificates of Issuances of Summons and Complaints.

4. On August 12, 2022, Hobby Lobby Stores, Inc. was served with a Summons and Complaint in the above-entitled action. Therefore, removal is timely under 28 U.S.C. § 1446(b)(1).

5. On August 24, 2022, Hobby Lobby Stores, Inc., by counsel, filed its Appearance, Jury Demand, and Motion for Enlargement of Time to File Responsive Pleading in the Hamilton County Superior Court.

6. On August 25, 2022, Plaintiff, by counsel, filed a Stipulation of Voluntary Dismissal Without Prejudice with respect to her pending claims against Village Park Plaza, LLC in the Hamilton County Superior Court.

7. On August 25, 2022, the Hamilton County Superior Court dismissed the above-entitled action against Village Park Plaza, LLC, only, without prejudice.

8. On August 26, 2022, the Hamilton County Superior Court granted Hobby Lobby Stores, Inc.'s Motion for Enlargement of Time to File Responsive Pleading.

9. No further proceedings have been had in the Hamilton County Superior Court.

DIVERSITY JURISDICTION EXISTS

10. This is a civil action that falls within the Court's original jurisdiction under 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship under 28 U.S.C. §§ 1441 and 1446.

11. Plaintiff is a citizen of the State of Indiana.

12. Defendant Hobby Lobby Stores, Inc. is an Oklahoma corporation with its principal place of business in Oklahoma City, Oklahoma. Therefore, Hobby Lobby Stores Inc. is a citizen of the State of Oklahoma, and not a citizen of the State of Indiana, for purposes of diversity jurisdiction.

13. There is complete diversity of citizenship between the parties named in this case.

14. Plaintiff's Complaint does not demand a specific sum of monetary damages. The State of Indiana does not permit a demand for a specific sum. Therefore, this Notice of Removal states that the monetary value of the amount in controversy exceeds \$75,000, exclusive of interest and costs, based upon the following:

- a. Plaintiff's Complaint seeks compensation for injuries and damages she claims to have sustained, which have caused her to experience pain and suffering.
(Compl. ¶ 9.)
- b. Plaintiff claims to have sustained a broken hand in the incident referenced in her Complaint. She claims this incident and resulting injuries necessitated medical treatment, including but not limited to: x-rays, treatment with orthopedic and specialty physicians, surgery with hardware insertion, and physical therapy.
- c. Plaintiff has further alleged permanent loss of mobility and strength in the affected hand.
- d. Plaintiff has alleged that she has incurred medical expenses and will continue to incur additional medical treatment and expenses in the future. (Compl. ¶ 10.)
- e. Plaintiff claims lost wages arising from her claims in this lawsuit. (Compl. ¶ 11.)

15. Based upon the injuries and damages alleged, Plaintiff seeks recovery in excess of \$75,000 exclusive of interest and costs, the value to Plaintiff of the relief sought in the Complaint exceeds \$75,000 exclusive of interest and costs, and/or the amount in controversy with respect to Plaintiff's claims exceeds \$75,000 exclusive of interest and costs.

16. Therefore, this state court action is properly removed to this Court in accordance with 28 U.S.C. §§ 1441 and 1446 because: (1) this action is a civil action pending within the jurisdiction of the United States District Court for the Southern District of Indiana, Indianapolis Division; (2) this action is between citizens of different States; (3) the amount in controversy exceeds \$75,000 exclusive of interest and costs.

STATUTORY REQUIREMENTS

17. Pursuant to 28 U.S.C. § 1446(a) and S.D. Ind. L.R. 81-2, a copy of the State Court Record and the operative Complaint are attached.

18. A copy of this Notice of Removal has been filed in the Hamilton County Superior Court and Plaintiff has been served with both this Notice of Removal and the Notice of Filing Notice of Removal.

WHEREFORE, Hobby Lobby Stores, Inc., by counsel, respectfully requests that the above-entitled action be removed from the Hamilton County Superior Court to the United States District Court for the Southern District of Indiana, Indianapolis Division.

LEWIS WAGNER, LLP

By: /s/Katherine S. Strawbridge
KATHERINE S. STRAWBRIDGE, #30123-49
MACIE L. HINEN, #36847-49
Counsel for Hobby Lobby Stores, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2022, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access the filing through the court's system.

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